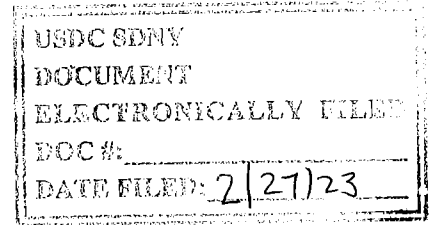


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARTIN J. WALSH, Secretary of Labor,  
United States Department of Labor,  
Plaintiff,

v.

BERKSHIRE NURSERY & SUPPLY CORP.,  
and JESUS FLORES,  
Defendants.

**ORDER**

23 CV 275 (VB)

On January 12, 2023, plaintiff commenced the instant action against defendants (Doc. #1), and the Clerk of Court issued summonses as to defendants. (Docs. ##9–10).

On January 24, 2023, plaintiff docketed a certificate of service of the summons and complaint on defendants, through their counsel Michael J. Curto, Esq., via email on January 19, 2023. (Doc. #16).

On January 27, 2023, plaintiff docketed affidavits of service of the summons and complaint on defendants via personal service on Jesus Flores on January 20, 2023. (Docs. ##17–18). Accordingly, defendants had until February 10, 2023, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

To date, defendants have not answered, moved, or otherwise responded to the complaint.

Accordingly, provided that defendants remains in default, plaintiff is ORDERED to seek a certificate of default as to defendants by March 13, 2023, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendants by March 27, 2023. **If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

Dated: February 27, 2023  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti  
United States District Judge